

**FRANK'S
ATTORNEYS
MAY DELAY
MOTION
FOR NEW
HEARING**

Notice of Extraordinary
Motion

for Another Trial May
Be

Given at Any Time
Before

Date of Execution

COURT HAS THE
POWER

TO REFUSE AN
APPEAL

Should Such Action Be
Taken,

Mandamus Would Be
Neces-

sary—Burns Expected Today to Take Up Case

Attorneys agree that an extraordinary motion for a new trial for Leo M. Frank can be filed at any time before the date set for his execution, April 17, his thirtieth birthday.

While the state must receive due notice of the filing of an extraordinary motion, that notice need not necessarily be given until the paper is actually filed at any time before the execution.

As a result, the attorneys for Frank, while silent themselves, are expected by other lawyers not to make their extraordinary motion until a few days before the date set for the execution.

This delay will give William J. Burns, the famous detective recently employed in the case, a chance to go over it thoroughly in search of new evidence. Burns is momentarily expected to arrive in the city. His agents are already at work, and developments are expected to rapidly follow his arrival.

When an extraordinary motion is filed the judge of the superior court before whom it is brought can not only refuse to grant the motion, but in his discretion can refuse to certify to a bill of exceptions, thus halting an appeal to the supreme court.

MANDAMUS POSSIBLE

In an event a superior court judge after refusing an extraordinary motion, does refuse to certify to the bill of exceptions, the defendant can bring a writ of mandamus before the supreme court to require him to certify to the bill. This was done in the famous Cox case, and also in the Malone case, when Judge John L. Hopkins was on the superior court bench. In both of

those cases the supreme court refused to mandamus the superior court judge.

Unless startling new evidence is found by Detective Burns, it is generally expected that the new evidence tending to show that the murder notes were written in the basement instead of in the office, as Conley contends, will form a principal part of the extraordinary motion. Another point will be the statement of Dr. H. F. Harris that the hair found on the lathe was not that of Mary Phagan.

Other points will be the repudiation of his testimony by Albert McKnight, and the new testimony by Albert McKnight, and the new testimony of Mrs. Ethel Harris Miller who strengthens Frank's time alibi. It is probable also that the defense will use the affidavit of George W. Epps, Jr., repudiating his testimony at the trial, although he is now said to have made a new affidavit in which he asserts that he was coerced into repudiating his original testimony.

That the state is not remaining idle while attorneys for the defense of Frank are collecting a mass of evidence to be used in his extraordinary motion for a new trial, is shown by the new affidavit in the hands of Solicitor Dorsey in which George W. Epps, Jr., repudiates his affidavit to the defense in which he swore he perjured himself at the Frank trial, giving testimony framed for him by a city detective.

Epps now says in the affidavit placed in the solicitor's hands, that he was lured to Birmingham by an ex-prize fighter, and there coerced into repudiating his testimony, which he now asserts was the truth. The affidavit was placed in the hands of the prosecutor of Frank by George W. Epps, Sr., and W. H. Epps, respectively father and uncle of the boy, who is now an inmate of the state reformatory at Milledgeville.

The father of Epps asserted immediately after the defense's affidavit was made public that George told him the substance of his testimony before Detective John Black, against whom charges

were made in the affidavit, ever saw him, and that consequently the detective could not have “framed up” the boy’s testimony.

Following the return of Attorney Luther Z. Rosser, of the defense, from New York, there has been much interest manifested in the connection of

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FRANK’S LAWYERS MAY DELAY MOTION FOR NEW HEARING

(Continued from Page 1.)

William S. Osborne, the handwriting expert with the case.

Solicitor General Dorsey, in reply to questions, states that when he submitted the murder notes, with handwriting samples, to the expert, that he almost immediately declared both notes were written by Jim Conley.

It had been rumored that the opinion of the expert was that the notes were written in Frank’s hand disguised. This is not correct the solicitor states.

While Mr. Dorsey refused to discuss Osborne's connection with the case in detail, the obvious explanation of his failure to appear as a witness is that he simply could have given his opinion that Conley wrote the notes, and this was entirely unnecessary since the negro admitted the fact, and it was never disputed at the trial.

The solicitor general's office has made public a number of letters to Mr. Dorsey from citizens of LaGrange, who comment on the published reports that evidence for Frank has been unearthed there by Gus Reid and E. B. Edmondson.

LETTER FROM PREACHER.

One of the letters, which comes from a minister of LaGrange, whose name is withheld at the request of the solicitor's office, reads as follows:

"Hugh M. Dorsey, Atlanta, Ga."

"Dear Sir: You have doubtless seen the squib in the papers to the effect that Gus Reid and E. B. Edmondson have discovered 'new evidence' in favor of Frank."

"Gus Reid was this week convicted in our city court of extorting money from an innocent negro and sentenced to thirty days in jail and \$250 fine, and in default of the payment of this fine, nine months hard work on the state farm. E. B. Edmondson was also prosecuted for blackmail and found not guilty on a technicality; that is to say, had the warrant been drawn for 'extorting' money, he would have been convicted. Both of these men used the office of bailiff, or rather prostitute that office, to rob the ignorant and the innocent. The impression prevails among good men here that this 'new evidence' is but a trick from the Frank defense with which to pay that \$250 fine.

"I do not know you. I wish I did, for I greatly appreciate and admire the courage, integrity, splendid ability which you have manifested in the handling of this

most perplexing and difficult case. Our state is safe in the hands of such men. I give you this information for fear nobody else would, and I merely hope it will serve the purpose of justice. God bless you.”

“Yours truly.”

IMPORTANT AFFIDAVITS.

The defense of Frank is said to have a number of important affidavits which have not been made public, and among them are several from the state’s character witnesses, it is said.

Interesting in this connection is the reply to one of a number of written questions submitted to Frank. In this he explains why he did not insist upon his attorneys cross-examining character witnesses by saying:

“My experience with Dalton, the first character witness against me, had given me and my attorneys fair warning what to expect from the so-called character witnesses. Here was a man upon whom I had never laid my eyes before he took his seat in the witness chair, and of whom I had never heard, and yet he swore solemnly to acts and doings with me that were utterly and absolutely untrue and without the slightest foundation. Was not this fair warning to me and my attorneys of what they might expect from the other so-called character witnesses? There was nothing that they could truthfully testify against my character, but I had been duly warned that I could not rely upon their speaking the truth.

“My lawyers decided that if they cross-examined those character witnesses, it would allow these hostile people to tell all they heard about me in the way of vile slander—not what they knew. They felt that these witnesses had been loaded with slanders about me just for the purpose of telling them on cross-examination. They did not want to give them the chance to repeat malicious tales against me which they had no opportunity to investigate or answer.”

TWO QUESTIONS ANSWERED.

Two other questions and their answers by Frankk, which are of interest, follow:

Question—If a girl were never seen alive after she had been known to visit a certain man's office, and if that girl was found the next day in the same building as that office—dead, murdered—would you call it persecution for that man to be arrested and vigorously prosecuted?

Answer—If the only facts known were what you state, then it would not be surprising that such a man should be arrested, and if subsequent developments indubitably pointed to him as the perpetrator of the crime, that he should be vigorously prosecuted. But if, after this man's arrest, a negro brute is discovered, who admits a knowledge of the crime, who admits writing the very notes found by the body, though, at first steadfastly denying he could write at all, and who, after repeated visits and promptings from the detectives and the solicitor, finally invents a preposterous and unbelievable tale, putting the crime on the man arrested in order to save his own neck—then I would say that the further prosecution of this man is persecution, indeed!

Question—Would you call it prejudice for that man to be suspected?

Answer—Not prior to the time that another was shown to have had the opportunity to commit the crime.

Alexander Sends Frank

Pamphlet Out to Voters

Harry A. Alexander, the attorney, has mailed a copy of his pamphlet dealing with the murder notes in the Frank case to every registered voter on the 1913 list, and considerable interest is being manifested in the pamphlet and Mr. Alexander's version of the relation of the notes to the whole case.

The pamphlet, which contains excellent pictures of the two notes, is being furnished without charge to everyone who applies by mail or telegraph to Mr. Alexander at his office in the Equitable building.

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**ALLEGED NEGRO
ROBBER**

**GIVEN A
NEW TRIAL**

Sam Reid, a negro convicted in November for robbery, as the result of an attack by highway men on Frank Hooper, the attorney, who was associated with the state in the Frank

prosecution, was granted a new trial by Judge Ben H. Hill Saturday on motion of Attorney Bernard L. Chappell.

Reid was convicted with another negro and both were sentenced to twenty years in the penitentiary. The other man got a new trial some time ago, and proved he was in the chaingang at the time Mr. Hooper was robbed.
